

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ADNAN SHENNIB, ET AL. : Group Art Unit _____

Serial No. _____ : Examiner: _____

Filed: Herewith

Title: CANAL HEARING DEVICE WITH TUBULAR INSERT

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

Type of Declaration

This declaration is made in an original application for utility patent.

Inventorship and Specification Identification

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention set forth above, the specification of which is being filed in the Patent and Trademark Office herewith.

Acknowledgment of Review of Papers and Duty of Candor

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims thereof.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, section 1.56(a).

Power of Attorney

As a named inventor, I hereby appoint Donald R. Greene, Reg. No. 22,470, as attorney to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Send correspondence to:

Direct telephone calls to:

Donald R. Greene
Post Office Box 12995
Scottsdale, AZ 85267-2995

Donald R. Greene
Tel: 602-488-9895
Fax: 602-488-5654

Declaration

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signature

Full name of first inventor: Adnan Shennib

Inventor's signature Adnan Shennib

Date 4-28-99

Country of Citizenship: United States of America

Residence: Fremont, California

Post Office Address: 34337 Xanadu Terrace
Fremont, California 94555

Full name of second inventor: Richard C. Urso

Inventor's signature Richard C. Urso

Date 4/28/99

Country of Citizenship: United States of America

Residence: Redwood City, California

Post Office Address: 15 Bennet Road
Redwood City, California 94063

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: ADNAN SHENNIB, ET AL. : Group Art Unit _____
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**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) and 1.27(c))--SMALL BUSINESS CONCERN**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN iHEAR Systems
ADDRESS OF CONCERN 34337 Xanadu Terrace
 Fremont, CA 94555

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41 (a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full time, part time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that, except as noted in the paragraph immediately below, rights under contract or law in the above-captioned application and in the invention disclosed therein have been conveyed by the inventors named as the applicants therein to the small business concern identified above and remain therewith.

The rights held by the above identified small business concern are exclusive, and no rights to the invention are held by any other person or by any other concern. I declare that the above identified small business concern has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person or entity that could not be classified as a small entity under 37 C.F.R. 1.9(f).

I acknowledge the duty to file, in this application for patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING
TITLE OF PERSON SIGNING
ADDRESS OF PERSON SIGNING

Adnan Shennib
President
iHEAR Systems
34337 Xanadu Terrace
Fremont, CA 94555

Signature

Adnan Shennib

Date 4-28-99

DRG/IHSSMLEN.002/04279

A S S I G N M E N T

In consideration for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I, the below named Sole Proprietor of iHear Systems, a California entity having an office in Danville, California, hereby assign, transfer and deliver to InSound Medical, Inc., a California entity having an office in Fremont, California, its successors and assigns (collectively referred to as "InSound"), the entire right, title and interest in and to all subject matter owned by iHear Systems disclosed in United States Serial No. 09/303,086 filed in the U.S. Patent and Trademark Office on 29 April 1999, entitled:

CANAL HEARING DEVICE WITH TUBULAR INSERT

and in and to all patents and all Convention and Treaty rights of all kinds, in all countries throughout the world, for all such subject matter. I agree to sign all documents necessary to secure all such patents and rights and request recordation of the assignment of all such patents to InSound in accordance with this Assignment.

I confirm that I have not made any agreement in conflict with this Assignment. I further agree that I will provide information within my knowledge or belief and do all other relevant things that InSound deems necessary or desirable and requests of me in connection with obtaining or maintaining, or in connection with any proceeding, controversy or litigation pertaining to, any such patents or in order to perfect and/or enforce InSound's ownership of the right, title and interest conveyed by this Assignment, or in connection with this Assignment, without additional payment, on the understanding, however, that InSound will bear all reasonable expenses actually incurred for or in connection with such matters. This Assignment and the obligations assumed by me shall be binding on my heirs and personal representatives.

NAME OF PERSON SIGNING:

Adnan Shennib

TITLE OF PERSON SIGNING:

Sole Proprietor

ADDRESS OF ENTITY:

iHear Systems

243 Viewpoint Drive

Danville, CA 94506

Signature: Adnan Shennib

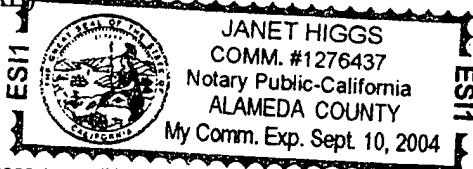
Date: 1/14/04

STATE OF CALIFORNIA :

COUNTY OF ALAMEDA :

On this 14th day of JANUARY 2004, Adnan Shennib, who is known to me or has satisfactorily identified himself to be the person named in the foregoing Assignment document, personally appeared before me and signed this document in my presence and acknowledged the same as his free act and deed.

(SEAL)



Janet Higgs
Notary Public
My commission expires: 9/10/2004